



12-30-08

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Attorney Docket No. 64846(70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Shigeru Nishio et al.

SERIAL NO: 10/567,710

EXAMINER: Witkowski, Alexander C.

FILED: February 7, 2006

GROUP: 2853

FOR: ELECTROSTATIC SUCTION TYPE FLUID DISCHARGE DEVICE,
ELECTROSTATIC SUCTION TYPE FLUID DISCHARGE METHOD, AND
PLOT PATTERN FORMATION METHOD USING THE SAME

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EM 258252710 US), and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29, 2008.

By:

Kathryn A. Grindrod
Kathryn A. Grindrod

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NON-FINAL OFFICIAL
ACTION REQUIRING ELECTION/RESTRICTION**

This is in response to the currently outstanding non-final Official Action in the above-identified case dated 5 December 2008.

Claims 1-23 are pending in the subject application. Claims 1-23 are subject to an election/restriction requirement.

In the currently outstanding non-final Official Action, the Examiner has:

1. Identified the following inventions that he alleges to be patentably distinct from one another:

Group I, Claims 1-15, drawn to electrostatic suction type fluid discharge device,
discharging droplets of alternating polarity.

Group II, Claims 16-23, drawn to electrostatic suction device fluid discharge device,
discharging droplets to form drawing patterns.

2. Required the Applicants to elect one of the foregoing inventions under 35 USC 121 for further prosecution on the merits in this application.
3. Required Applicant to list all of the pending claims that are deemed to be readable on the elected invention;

In response to the currently outstanding requirement for restriction, **Applicant hereby elects Group I Claims 1-15, without traverse** for further prosecution in the merits in this application.

Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application. Early substantive consideration and allowance, therefore, is respectfully requested.

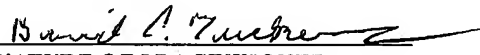
It also is noted for the record that the currently outstanding Official Action did not note or acknowledge Applicant's Information Disclosure Statement of 29 May 2008, or provide the Applicant with a signed, dated and initialed copy of the Form PTO/SB/08a/b submitted therewith in confirmation of the consideration of the art listed therein. Such action is respectfully requested in response to this communication.

Applicant: S. Nishio et al.
USSN: 10/567,710
Page 3

Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: December 29, 2008


SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker
(Type or print name of practitioner)
Attorney for Applicant(s)

Tel. No. (617) 517-5508

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
P.O. Address

Customer No.: 21874

Boston, MA 02205



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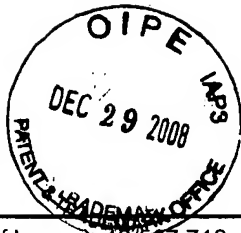
David A. Tucker
(Type or print name of practitioner)
Attorney for Applicant(s)

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P.O. Address

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Boston, MA 02205



Application No. (if known): 10/567,710

Attorney Docket No.: 64846(70904)

Certificate of Express Mailing Under 37 CFR 1.10

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on December 29, 2008
Date

Kathryn Grindrod
Signature

Kathryn Grindrod

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 517-5534

Telephone Number

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Response to Restriction Requirement (3 pages)
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